

ATTACHMENT 29

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF (PSG)

Plaintiff,

v.

ARISTA NETWORKS, INC.

Defendants.

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VIDEOTAPED DEPOSITION OF PHILLIP REMAKER

30(b)(6) FOR CISCO SYSTEMS, INC.

Palo Alto, California

Thursday, March 31, 2016

Volume 1

Reported by:

LESLIE JOHNSON

RPR, CSR No. 11451

Job No.: 2281749

PAGES 1 - 216

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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF CALIFORNIA</p> <p>3 SAN JOSE DIVISION</p> <p>4 CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF(PSG)</p> <p>5 Plaintiff,</p> <p>6 v.</p> <p>7 ARISTA NETWORKS, INC.</p> <p>8 Defendants.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 * HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY *</p> <p>15</p> <p>16</p> <p>17 VIDEOTAPED DEPOSITION OF PHILLIP REMAKER, Volume 1,</p> <p>18 taken on behalf of Defendant, at 601 California Avenue,</p> <p>19 Palo Alto, California, beginning at 9:30 a.m. and ending</p> <p>20 at 4:14 p.m., on Thursday, March 31, 2016, before</p> <p>21 LESLIE JOHNSON, Certified Shorthand Reporter No. 11451.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 2</p>	<p>1 I N D E X</p> <p>2</p> <p>3 WITNESS EXAMINATION</p> <p>4 PHILLIP REMAKER</p> <p>5 30(b)(6) for CISCO SYSTEMS</p> <p>6 Volume 1</p> <p>7 BY MR. WONG 8</p> <p>8 BY MR. NEUKOM 212</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 PHILLIP REMAKER, 30(b)(6)</p> <p>12 NUMBER DESCRIPTION PAGE</p> <p>13 Exhibit 429 Defendant Arista Network, Inc.'s Notice of 30(b)(6) Deposition of Plaintiff Cisco Systems, Inc.; 33 pages 9</p> <p>14</p> <p>15 Exhibit 430 Amended Exhibit F Document Index; 40 pages 11</p> <p>16 Exhibit 431 Amended Exhibit F; 44 pages 14</p> <p>17 Exhibit 432 Binder labeled "Bates Does Cited in Cisco Rog Exhibit F," Volume 1 of 2 15</p> <p>18</p> <p>19 Exhibit 433 Binder labeled "Bates Does Cited in Cisco Rog Exhibit F," Volume 2 of 2 15</p> <p>20</p> <p>21 Exhibit 434 Binder labeled "Source Code Cited in Cisco Rog Exhibit F," Volume 1 of 2 15</p> <p>22</p> <p>23 Exhibit 435 Binder labeled "Source Code Cited in Cisco Rog Exhibit F," Volume 2 of 2 15</p> <p>24</p> <p>25</p> <p>Page 4</p>
<p>1 APPEARANCES:</p> <p>2</p> <p>3 FOR PLAINTIFF CISCO SYSTEMS, INC.:</p> <p>4 QUINN EMANUEL URQUHART & SULLIVAN LLP</p> <p>5 BY: JOHN (JAY) NEUKOM, ESQ.</p> <p>6 50 California Street, 22nd Floor</p> <p>7 San Francisco, California 94111</p> <p>8 (415)875-6600</p> <p>9 johnneukom@quinnemanuel.com</p> <p>10 FOR DEFENDANT ARISTA NETWORKS, INC.:</p> <p>11 KEKER & VAN NEST LLP</p> <p>12 BY: RYAN WONG, ESQ.</p> <p>13 633 Battery Street</p> <p>14 San Francisco, California 94111</p> <p>15 (415)391-5400</p> <p>16 rwong@kvn.com</p> <p>17 ALSO PRESENT:</p> <p>18 SEAN GRANT, Videographer</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 3</p>	<p>1 EXHIBITS (Cont.)</p> <p>2 PHILLIP REMAKER, 30(b)(6)</p> <p>3 NUMBER DESCRIPTION PAGE</p> <p>4 Exhibit 436 E-mail dated 1/12/99 from Phillip Remaker to Carl Schaefer, et al.; Bates stamped CSI-CLI-00794351 to 95 40</p> <p>5</p> <p>6 Exhibit 437 E-mail dated 6/7/2003 from Shaubin Xie; Bates stamped CSI-CLI-00783473 to 81 80</p> <p>7</p> <p>8 Exhibit 438 Parser-Police Manifesto, version 6; 10 pages 82</p> <p>9</p> <p>10 Exhibit 439 CLI Design and Review Guide; Bates stamped CSI-CLI-02824651 to 719 85</p> <p>11 Exhibit 440 E-mail thread, top e-mail dated 7/8/2005, from Jain Dhanendra; Bates stamped CSI-CLI-00807444 to 68 87</p> <p>12</p> <p>13 Exhibit 441 Interrogatory No. 2 First Supplemental Response - Exhibit C; 3 pages 98</p> <p>14</p> <p>15 Exhibit 442 Document entitled "Show Inventory Command"; Bates stamped CSI-CLI-610102 to 610105 104</p> <p>16</p> <p>17 Exhibit 443 E-mail dated 12/6/2002 from Eric Osborne; Bates stamped CSI-CLI-777457 to 459 114</p> <p>18</p> <p>19 Exhibit 444 Interrogatory No. 2 First Supplemental Response - Exhibit B; 102 pages 122</p> <p>20 Exhibit 445 E-mail dated 25 June 2002 from Ilse Van Hoeck; Bates stamped CSI-CLI-00608702 to 703 151</p> <p>21</p> <p>22 Exhibit 446 E-mail dated 17 May 1999 from Liming Wei; Bates stamped CSI-CLI-60866 159</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 5</p>

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<p>1 EXHIBITS (Cont.)</p> <p>2 PHILLIP REMAKER, 30(b)(6)</p> <p>3 NUMBER DESCRIPTION PAGE</p> <p>4 Exhibit 447 Plaintiff Cisco Systems, Inc.'s Seventh 164</p> <p>5 Supplemental Objections and Responses</p> <p>6 to Defendant Arista Network, Inc.'s</p> <p>7 Second Set of Interrogatories</p> <p>8 (No. 16); 50 pages</p> <p>9 Exhibit 448 Plaintiff Cisco System, Inc.'s Fourth 167</p> <p>10 Supplemental Objections and Responses</p> <p>11 to Defendant Arista Network, Inc.'s</p> <p>12 First Set of Interrogatories (2 and 5);</p> <p>13 44 pages</p> <p>14 Exhibit 449 Cisco's Response to Arista's 182</p> <p>15 Interrogatory No. 16 Amended Exhibit</p> <p>16 D1 (IOS Release 11.0); 28 pages</p> <p>17 Exhibit 450 Exhibit E Exemplary Copying of Command 201</p> <p>18 Responses; 27 pages</p> <p>19 Exhibit 451 Writing Command Line Interfaces (CLI) 204</p> <p>20 and CLI Output; Bates stamped</p> <p>21 CSI-CLI-02607986 to 8010</p> <p>22 ***</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 6</p>	<p>1 plaintiff.</p> <p>2 THE VIDEOGRAPHER: Thank you. Will the</p> <p>3 certified court reporter please swear in the</p> <p>4 witness.</p> <p>5</p> <p>6 PHILLIP REMAKER,</p> <p>7 having been first duly sworn, was examined</p> <p>8 and testified as follows:</p> <p>9</p> <p>10 EXAMINATION</p> <p>11 BY MR. WONG:</p> <p>12 Q. Good morning, Mr. Remaker.</p> <p>13 A. Good morning.</p> <p>14 Q. Do you understand that you are testifying</p> <p>15 under oath?</p> <p>16 A. I understand.</p> <p>17 Q. Okay. And I know we took your personal</p> <p>18 deposition yesterday. Do you understand that the</p> <p>19 general rules for conducting a deposition are also</p> <p>20 applicable today?</p> <p>21 A. Yes.</p> <p>22 Q. Do you understand that you have been</p> <p>23 designated by Plaintiff Cisco to provide corporate</p> <p>24 testimony under Rule 30(b)(6) today?</p> <p>25 A. Yes.</p> <p>Page 8</p>
<p>1 Palo Alto, California, Thursday, March 31, 2016</p> <p>2 9:30 a.m.</p> <p>3</p> <p>4 THE VIDEOGRAPHER: Good morning. We're on</p> <p>5 the record. The time is 9:30 a.m. and the date is</p> <p>6 March 31st, 2016. This begins the videotaped</p> <p>7 deposition of Cisco Systems, Inc. pursuant to Rule</p> <p>8 30(b)(6). My name is Sean Grant, here with our</p> <p>9 court reporter, Leslie Johnson. We're here from</p> <p>10 Veritext Legal Solutions at the request of counsel</p> <p>11 for Defendant. This deposition is being held at</p> <p>12 Wilson Sonsini in Palo Alto, California.</p> <p>13 The caption of this case is Cisco Systems</p> <p>14 Inc. versus Arista Networks, Inc., Case No.</p> <p>15 5:14-cv-05344-BLF.</p> <p>16 Please note that audio and video recording</p> <p>17 will take place unless all parties have agreed to go</p> <p>18 off the record. Microphones are sensitive and may</p> <p>19 pick up whispers, private conversations or cellular</p> <p>20 interference.</p> <p>21 At this time, will counsel please identify</p> <p>22 themselves and state whom they represent.</p> <p>23 MR. WONG: Ryan Wong from Keker & Van Nest</p> <p>24 for Defendant Arista Networks.</p> <p>25 MR. NEUKOM: John Neukom for the</p> <p>Page 7</p>	<p>1 (Exhibit 429 marked for identification.)</p> <p>2 MR. WONG: Let's mark this as the first</p> <p>3 deposition exhibit. I believe we are on 429.</p> <p>4 THE REPORTER: Correct.</p> <p>5 BY MR. WONG:</p> <p>6 Q. The court reporter has marked Exhibit 429,</p> <p>7 a document that on its face says "Defendant Arista</p> <p>8 Network, Inc.'s Notice of Rule 30(b)(6) Deposition</p> <p>9 of Plaintiff Cisco Systems, Inc."</p> <p>10 Mr. Remaker, do you recognize the document</p> <p>11 marked as Exhibit 429?</p> <p>12 MR. NEUKOM: It might help you to turn to</p> <p>13 page 23.</p> <p>14 MR. WONG: Thank you, Counsel.</p> <p>15 MR. NEUKOM: Start with paragraph 78.</p> <p>16 THE WITNESS: Yes, I recognize this</p> <p>17 document.</p> <p>18 BY MR. WONG:</p> <p>19 Q. Do you understand that you have been</p> <p>20 designated by Cisco to provide corporate testimony</p> <p>21 for topic No. 78 that appears on page 23 of</p> <p>22 Exhibit 429?</p> <p>23 A. Yes.</p> <p>24 Q. Do you understand that you've been</p> <p>25 designated by Cisco to provide corporate testimony</p> <p>Page 9</p>

Pages 6 to 9

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<p>1 correct?</p> <p>2 A. For a subset of commands, it would seem</p> <p>3 that was the case.</p> <p>4 Q. And when we're talking about a subset of</p> <p>5 commands, which of the Cisco operating systems are</p> <p>6 you referring to?</p> <p>7 MR. NEUKOM: Objection. Vague.</p> <p>8 THE WITNESS: I don't know all of the</p> <p>9 operating systems that were affected, but the one</p> <p>10 alias that I know is discontinued was related to IOS</p> <p>11 XR.</p> <p>12 BY MR. WONG:</p> <p>13 Q. Was there a CLI reviewer alias for IOS?</p> <p>14 A. I don't know.</p> <p>15 Q. Was there a CLI review alias for NX-OS?</p> <p>16 A. I don't know.</p> <p>17 Q. What other flavors of IOS had a CLI</p> <p>18 reviewer alias?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you know for what period of time the</p> <p>21 IOS XR CLI reviewer alias was being used?</p> <p>22 A. I don't know exactly.</p> <p>23 Q. Do you know one way or another whether a</p> <p>24 CLI reviewer alias existed for Cisco IOS?</p> <p>25 A. I don't know for certain.</p> <p>Page 26</p>	<p>[REDACTED]</p>
<p>[REDACTED]</p> <p>Page 27</p>	<p>[REDACTED]</p>

Pages 26 to 29

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Pages 38 to 41

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A 2x2 grid of redacted text blocks. Each block contains approximately 10 lines of text that has been completely obscured by black redaction marks. The redaction marks are solid black bars of varying lengths and positions, covering all text in each quadrant. The text is otherwise illegible.

Pages 42 to 45

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Pages 50 to 53

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The image displays a 2x2 grid of redacted pages from a document. Each quadrant contains a page with a vertical list of redacted items on the left and a large block of redacted text on the right. The bottom-right quadrant includes the text 'Page 54' at the bottom center.

Pages 54 to 57

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Page 62

Pages 62 to 65

Page 66

Pages 66 to 69

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<div></div>	<div></div>
<div></div>	<div><div>1</div><div>THE WITNESS: It is helpful to know the</div><div>2</div><div>vocabulary and culture of the user to make a useful</div><div>3</div><div>command.</div><div>4</div><div>BY MR. WONG:</div><div>5</div><div>Q. And in this paragraph, the Parser-Police</div><div>6</div><div>Manifesto is stating that in the ATM community, the</div><div>7</div><div>command "forward-peak-cell-rate-clpl" might be the</div><div>8</div><div>only acceptable syntax for that command, correct?</div><div>9</div><div>MR. NEUKOM: Objection. Misstates the</div><div>10</div><div>document.</div><div>11</div><div>THE WITNESS: That is -- you are quoting</div><div>12</div><div>from the document?</div><div>13</div><div>BY MR. WONG:</div><div>14</div><div>Q. Yes.</div><div>15</div><div>A. Okay. What was the question?</div><div>16</div><div>Q. So in the paragraph that starts with</div><div>17</div><div>No. 10 in the Parser-Police Manifesto marked as</div><div>18</div><div>Exhibit 436, it's stating that the ATM community --</div><div>19</div><div>in the ATM community, the command "forward-peak-</div><div>20</div><div>cell-rate-clpl" might be the only acceptable command</div><div>21</div><div>syntax. Correct?</div><div>22</div><div>MR. NEUKOM: Objection. Misstates the</div><div>23</div><div>document.</div><div>24</div><div>THE WITNESS: Might be.</div><div>25</div><div>////</div></div>

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Pages 70 to 73

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<div data-bbox="256 178 289 966" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="321 178 860 966" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="743 959 865 993" data-label="Text"><p>Page 82</p></div>	<div data-bbox="894 178 927 966" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="959 178 1498 966" data-label="Text"><p>[REDACTED]</p></div>
<div data-bbox="256 1029 289 1816" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="321 1029 860 1816" data-label="Text"><p>[REDACTED]</p></div>	<div data-bbox="894 1029 927 1816" data-label="Text"><p>20 21 22 23 24 25</p></div> <div data-bbox="959 1029 1498 1617" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="958 1617 1531 1806" data-label="Text"><p>Q. Thank you. You can set that aside. (Exhibit 439 marked for identification.) BY MR. WONG: Q. The court reporter has marked as Exhibit 439 documents -- document bearing control numbers CSI-CLI-02824651 to CSI-CLI-02824719.</p></div>

Pages 82 to 85

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<p>1 MR. NEUKOM: Objection. Calls for a legal 2 conclusion. And it is well beyond the scope of 3 topics for which this witness is here today. 4 THE WITNESS: I don't have an opinion 5 about that. 6 BY MR. WONG: 7 Q. Based upon your answer, I would ask you, 8 what was the selection and creation process for 9 whatever it is you would delineate, but if you don't 10 know, then I can't ask you what the selection and 11 creation process was behind the command mode. 12 Well, let me just ask you that. 13 Do you know what the selection or creation 14 process was behind the "user exec" command mode? 15 A. I don't know. 16 Q. Do you know what the selection or creation 17 process was behind the "privileged exec" command 18 mode? 19 A. I do not know. 20 Q. Do you know what the selection or creation 21 process was behind the "global configuration" 22 command mode? 23 A. I do not know. 24 Q. Do you know what the selection or creation 25 process was behind the "interface configuration"</p> <p style="text-align: right;">Page 210</p>	<p>1 prompts are fixed within any of Cisco's copyrighted 2 works? 3 A. I would presume they are fixed in the 4 source code. 5 Q. And do you know where any of the command 6 modes are fixed in Cisco's copyrighted works? 7 A. I presume in the source code. 8 MR. NEUKOM: Objection. Beyond the scope. 9 And I'll take a standing objection for beyond the 10 scope on the where are they fixed line of questions. 11 BY MR. WONG: 12 Q. Subject to questions by your counsel, I 13 have no further questions of you, Mr. Remaker. 14 15 EXAMINATION 16 BY MR. NEUKOM: 17 Q. Mr. Remaker, can you explain for us how 18 much time you spent preparing to testify as a 19 corporate representative today? 20 A. Including the response to the 21 interrogatory or just direct preparation? 22 Q. Just without -- without telling us what 23 you did in detail, why don't you just tell us how 24 much time you spent learning information about the 25 origination of Cisco command line expressions prior</p> <p style="text-align: right;">Page 212</p>
<p>1 command mode? 2 A. I do not know. 3 Q. Just to cover our bases, do you know the 4 selection or creation process behind the "user exec" 5 command prompt? 6 A. I do not know. 7 Q. Do you know the selection or creation 8 process behind the "privileged exec" command prompt? 9 A. I do not know. 10 Q. Do you know the selection or creation 11 process behind the "global configuration" command 12 prompt? 13 A. I do not know. 14 Q. And do you know the selection or creation 15 process behind the "interface creation" command 16 prompt? 17 A. I do not know. 18 Q. And you understand that by "you" in those 19 questions, I'm asking you as Cisco's corporate 20 representative, correct? 21 A. Yes. 22 Q. And your answers are the same with that 23 understanding, correct? 24 A. Yes. 25 Q. And do you know where any of these command</p> <p style="text-align: right;">Page 211</p>	<p>1 to being a corporate representative today? 2 A. I spent three days preparing with counsel. 3 And prior to that spent dozens of hours in preparing 4 the responses to interrogatory No. 16 and 5 interrogatory No. 19 with the team of very senior 6 engineers. 7 Q. What documents did you review in 8 preparation to serve as a corporate representative 9 witness today, to talk about the historical 10 origination of Cisco command line expressions? 11 A. I reviewed Exhibits 431, 432, 433, 434 and 12 435. I reviewed -- 13 Q. Let me interrupt you right there because 14 you just listed off a number of exhibits. I take it 15 those exhibits that you just referred to, each of 16 them is a binder? 17 A. Exhibit 431 is an index to the four 18 binders that are Exhibits 432 through 435. 19 Q. Okay. Given that when I asked you what 20 documents you looked at to prepare to testify today, 21 you identified exhibit numbers, I just want to make 22 sure the record is clear, because some of those 23 exhibits are compilations of numerous individual 24 documents. 25 Can you, to the best of your ability,</p> <p style="text-align: right;">Page 213</p>

Pages 210 to 213

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<p>1 estimate for us the number of documents -- the</p> <p>2 number of historical Cisco documents you reviewed to</p> <p>3 prepare yourself to testify today as a corporate</p> <p>4 representative?</p> <p>5 A. Easily 60 to 100 documents.</p> <p>6 Q. And can you describe by category what</p> <p>7 sorts of documents you reviewed to prepare yourself</p> <p>8 to come testify today about the historical</p> <p>9 origination of Cisco command line expressions?</p> <p>10 A. Individual command specifications written</p> <p>11 by engineers, source code, some e-mails, some</p> <p>12 internal web pages, and the deposition of Kirk</p> <p>13 Louheed.</p> <p>14 Q. Do you believe there is anybody within</p> <p>15 Cisco who knows more about the historical creation</p> <p>16 of the 500-plus command line expressions identified</p> <p>17 in Exhibit 431, other than you?</p> <p>18 A. No.</p> <p>19 MR. NEUKOM: Thanks very much.</p> <p>20 MR. WONG: Thank you.</p> <p>21 THE VIDEOGRAPHER: This concludes today's</p> <p>22 videotaped deposition of Cisco Systems, Inc.</p> <p>23 pursuant to Rule 30(b)(6).</p> <p>24 We're off the record at 4:14 p.m.</p> <p>25 (TIME NOTED: 4:14 p.m.)</p> <p style="text-align: right;">Page 214</p>	<p>1 REPORTER'S CERTIFICATION</p> <p>2</p> <p>3 I, Leslie Johnson, a Certified Shorthand</p> <p>4 Reporter of the State of California, do hereby certify:</p> <p>5 That the foregoing proceedings were taken</p> <p>6 before me at the time and place herein set forth; that</p> <p>7 any witnesses in the foregoing proceedings, prior to</p> <p>8 testifying, were administered an oath; that a record of</p> <p>9 the proceedings was made by me using machine shorthand</p> <p>10 which was thereafter transcribed under my direction;</p> <p>11 that the foregoing transcript is a true record of the</p> <p>12 testimony given.</p> <p>13 Further, that if the foregoing pertains to</p> <p>14 the original transcript of a deposition in a Federal</p> <p>15 Case, before completion of the proceedings, review</p> <p>16 of the transcript [] was [] was not requested.</p> <p>17 I further certify I am neither financially interested in</p> <p>18 the action nor a relative or employee of any attorney or</p> <p>19 any party to this action.</p> <p>20 IN WITNESS WHEREOF, I have this date</p> <p>21 subscribed my name.</p> <p>22 Dated: April 15, 2016</p> <p>23</p> <p>24 <%signature%></p> <p>25 LESLIE JOHNSON CSR No. 11451, RPR, CCRR</p> <p style="text-align: right;">Page 216</p>
<p>1 DECLARATION UNDER PENALTY OF PERJURY</p> <p>2</p> <p>3 I, PHILLIP REMAKER, the witness herein,</p> <p>4 declare under penalty of perjury that I have read the</p> <p>5 foregoing in its entirety; and that the testimony</p> <p>6 contained therein, as corrected by me, is a true and</p> <p>7 accurate transcription of my testimony elicited at said</p> <p>8 time and place.</p> <p>9</p> <p>10 Executed this _____ day of _____ 2016, at</p> <p>11 _____,</p> <p>12 (City) (State)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 _____</p> <p>18 PHILLIP REMAKER</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 215</p>	

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